IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

-

WRIT PETITION NO : 12499 of 2004

Between:

Vempalli Kasim Saheb, S/o. Late Papa Saheb,
R/o. NTR Colony, C.K. Dinne Village and Mandal,
Kadapa District.

..... PETITIONER

AND

1 The District Collector, Kadapa District, Kadapa.
2 The Revenue Divisional Officer, Kadapa Revenue Division, Kapada.
3 The Mandal Revenue Officer, C.K. Dinne Mandal, Kapada.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction(s) essentially in the nature of Writ of Mandamus setting aside the impugned Proceedings contained in Ref. B. 108/2002, dated 30-6-2004 issued by the Respondent No. 3, herein as bad, illegal, arbitrary, discriminatory and violative 14 and 21 of the constitution of India.

Counsel for the Petitioner:MR.KARNAMRAMESH

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following ORDER:

Heard the learned counsel for the petitioner and also Government Pleader for Revenue appearing for respondents. They have agreed to dispose of the writ petition at the admission stage.

Petitioner was granted DKT Patta over an extent of Ac.1-50 Cents and the same was now cancelled by the third respondent-Mandal Revenue Officer, C.K.Dinne Mandal, Kadapa district, through the impugned order in reference B.No.108/2002, dated 30-06-2004. Aggrieved by the said cancellation of the DKT Patta, he carried the matter in appeal before the second respondent and requested to grant stay of all further proceedings in pursuance of the cancellation order passed by the third respondent. As no orders have been passed in the said appeal, he moved this Court by way of present writ petition.

It is well settled that pending the appeal, the rights of the parties should be preserved since the right of appeal is a statutory right. In view of the same, the impugned order passed by the third respondent dated 30-06-2004 shall not be given effect to until the appeal filed by the petitioner is disposed of.

The writ petition is accordingly disposed of. In the circumstances, no costs.

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(A.GOPAL REDDY, J)

20th JULY, 2004.

Note: furnish c.c. in two days.

B/o

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To

1 The District Collector, Kadapa District, Kadapa.
2 The Revenue Divisional Officer, Kadapa Revenue Division, Kapada.
3 The Mandal Revenue Officer, C.K. Dinne Mandal, Kapada.

4 Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad. (OUT).

5 Two CD copies.